


SO ORDERED

Sep 02, 2022



BARRY S. SCHERMER  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

In re: )  
Daniel & Tracy Daugherty, ) Case Number: 22-40737-399  
Debtors. ) Chapter 13  
) Motion for Order Directing the Trustee  
) to Hold Funds

**MOTION FOR ORDER DIRECTING THE TRUSTEE TO HOLD FUNDS**

COMES NOW Debtors, Daniel & Tracy Daugherty, by and through the attorney of record, and for this Motion for Order Directing the Trustee to Hold Funds, states as follows:

1. The Debtor filed a Chapter 13 Bankruptcy proceeding in the United States Bankruptcy Court, Eastern District of Missouri on March 18, 2022.
2. The Debtors bankruptcy was dismissed on August 10, 2022.
3. The Debtors' Chapter 13 plan was not confirmed.
4. The Trustee is currently holding \$843.28 of funds paid by the Debtors.
5. The Debtors' attorney filed an application to retain \$539 of these funds on August 22, 2022.
6. The objection deadline for this application is September 5, 2022.
7. The Debtors' attorney's customary hourly rate is \$250 per hour. The Debtors' attorney estimates that an itemized and hourly fee application for the attorney's time on this case would exceed \$5,000.00.
8. The Debtors' attorney has agreed to waive all fees owed to him if the Debtors pay him \$1,100, \$561.00 of which was paid prior to filing this case and the remaining

\$539.00 is the subject of the attorney's fee application and will be paid to the attorney by the Chapter 13 Trustee.

WHEREFORE, the Debtors pray the Court enter an Order granting this Motion and ordering the Trustee to hold \$843.28 in funds for an additional 14 days and for such other additional orders as this Court deems just and proper.

Respectfully Submitted  
THE BANKRUPTCY COMPANY

/s/ David N. Gunn  
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#### CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was filed electronically on August 30, 2022 with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

- **Diana S. Daugherty** [standing\\_trustee@ch13stl.com](mailto:standing_trustee@ch13stl.com), [trust33@ch13stl.com](mailto:trust33@ch13stl.com)
- **Office of US Trustee** [USTPRegion13.SL.ECF@USDOJ.gov](mailto:USTPRegion13.SL.ECF@USDOJ.gov)

I certify that a true and correct copy of the foregoing document was filed electronically with the United States Bankruptcy Court, and has been served by Regular United States Mail Service, first class, postage fully pre-paid, address to those parties listed below on August 30, 2022.

/s/ Rachelle Strong  
Rachelle Strong, Paralegal

Daniel & Tracy Daugherty  
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